

ZB# 67-7

Ruth Clark

(no SBL given)

67-7 Clark, Ruth E.

10-27-67

10:15 am



10 2.
10:15 am

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing on the 16th day of October, 1967, at 7:30 o'clock in the afternoon, at the New Windsor Town Hall, 44 Union Avenue, in said Town, on an application of Ruth E. Clark for a variance affecting a lot opposite the proposed Town Hall site on Union Avenue in an RB District, so that the same may be used for a small professional building.
Dated October 3, 1967.
ZONING BOARD OF APPEALS
Town of New Windsor
Oct. 6

State of New York
County of Orange, ss:

Hugh V. Nocton , being duly sworn deposes and says that he isPrincipal Clerk..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News. a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published
One Time
.....
in said newspaper, commencing on the.....6th.....day of
.....October.....A.D., 1967 , and ending on
the6th..... day ofOctober..... A.D., 19 67

Subscribed and sworn to before me this
.....6th..... day of.....October..... 19.....67.

} *Hugh V. Nocton*
E. M. C.

.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1969



TO THE ZONING BOARD OF APPEALS, TOWN OF NEW WINDSOR:

Ruth E. Clark of Union Avenue, Town of New Windsor, New York, does hereby apply for a variance as follows:

1. The property for which the variance is requested is a lot located on the North side of Union Avenue immediately opposite a proposed town hall site situated between property of Rasczewski on the East and a house owned by your applicant on the West, and is a parcel approximately 95 feet in front by 150 feet in depth.

2. The property in question is located in an RB zone and request is made for a variance to allow the erection of a professional building.¹

3. The lot in question existed in its present state and condition at the time of the adoption of the zoning ordinance. It had been in this condition since 1959 and hence the condition was created long before there was zoning and before any tentative zoning regulations were known. The physical conditions which create the practical difficulties and unnecessary hardships are in the size of the lot which is approximately 95 feet frontage and 150 feet deep.

4. By reason of the size of the lot,² it will qualify for a building lot for one home but no more. For such a use there is no demand. I am a lifelong resident of Union Avenue and I do not know of any home erected on an individual lot in the past 7 years between Epiphany College and Route 207, except one erected by Alfonso Ronsini for a member of his family on land owned by him and a second house near the parcel recently purchased by the Newburgh School District. This house was erected by A. A. Scheitl and is used not only as a residence but also as a beauty salon.

TO THE ZONING BOARD OF APPEALS, TOWN OF NEW WINDSOR:

Ruth E. Clark of Union Avenue, Town of New Windsor, New York, does hereby apply for a variance as follows:

1. The property for which the variance is requested is a lot located on the North side of Union Avenue immediately opposite a proposed town hall site situated between property of Raszewski on the East and a house owned by your applicant on the West, and is a parcel approximately 95 feet in front by 150 feet in depth.

2. The property in question is located in an RB zone and request is made for a variance to allow the erection of a professional building.¹

3. The lot in question existed in its present state and condition at the time of the adoption of the zoning ordinance. It had been in this condition since 1959 and hence the condition was created long before there was zoning and before any tentative zoning regulations were known. The physical conditions which create the practical difficulties and unnecessary hardships are in the size of the lot which is approximately 95 feet frontage and 150 feet deep.

4. By reason of the size of the lot², it will qualify for a building lot for one home but no more. For such a use there is no demand. I am a lifelong resident of Union Avenue and I do not know of any home erected on an individual lot in the past 7 years between Epiphany College and Route 207, except one erected by Alfonso Ronsini for a member of his family on land owned by him and a second house near the parcel recently purchased by the Newburgh School District. This house was erected by A. A. Scheitl and is used not only as a residence but also as a beauty salon. I have owned the lot in question in its present condition since 1959 and have not even had an inquiry with reference to the sale of it for housing purposes. While the lot will qualify for a one-family house, it is absolutely useless as such unless someone will build upon it.

5. The property is situated on Union Avenue which is now a heavily travelled road. The traffic is too heavy for a residence on a small lot. On the East side of the lot is a combination home and beauty parlor. On the West is an older house owned by your applicant and rented. Beyond this property is the residence of my brother and the residence of myself which is also used for a commercial nursery. The land on the South side of Union Avenue is largely vacant but to the East a large tract has been purchased for a new school for the Newburgh school system. Adjacent to this on the West is the substation of the Central Hudson Gas & Electric Corp. Next to that is the tract purchased by the King of Kings Church for a new church. Continuing westerly and opposite the lot in question is the site of the New Windsor town hall. Beyond that is a tract for sale. Next to that is a warehouse and on the corner of Temple Hill Road is a gas station. On the left side of Temple Hill Road and across from the gas station the land has been broken for a factory. To the East of your applicant, the area is zoned residential for a depth of 200 feet. Beyond that it is zoned general industrial. Not only do these conditions make it extremely unlikely that the property could ever be used for a one-family house but would also mean that the land should be used for some other purpose.

6. A small professional building will ideally fit into the conditions as they exist. The proposed building will blend with the architecture of the area. It will be the size of a one-family house and being an office building will create no traffic problem. Normal usage of such a building is from 9 to 5 and will not disturb the neighbors. There will be no children who will be endangered by the heavy traffic on Union Avenue or^{who} will help to burden the new school. It will fit in with the environment created by the school, town hall and a church. The proposed architecture is colonial and it should enhance the neighborhood.

This is the minimum variance which will fit into the zoning as it exists and with conditions as they are.

7. Submitted herewith is a tentative plan of the building together with elevations and a site plan of the proposed location. The set back will be moved to line the building as nearly as possible with the adjoining building. It is proposed that there will be a lawn in front of the building and as far as possible the existing apple trees will be pruned and used as part of the landscape. The building will have room for three occupants and provision would be made for adequate signs³ of a dignified and appropriate nature. Parking for the personnel will be in the rear and hence out of sight.

All of which is respectfully submitted.

Dated: September 18, 1967.

Ruth E. Clark

1. See Section 48-7 for regulations governing uses in RB districts.
2. See Section 48-14A for one-family lot sizes in RB districts and Section 48-14C for regulations governing professional buildings.
3. See Section 48-9B(8) for regulations with reference to signs on business and professional buildings.

*Decision: Variance granted by Board on Oct. 16, 1967,
Filed on Oct. 27, 1967.*

MAHARAY, EWING, MCCANN, AHERN & SOMMERS

ATTORNEYS AND COUNSELLORS AT LAW

361 BROADWAY

NEWBURGH, NEW YORK 12550

914-561-9400

ARTHUR O MAHARAY
GORDON W EWING
DANIEL F AHERN, JR.
BERNARD J SOMMERS

DONALD H MCCANN
COUNSEL

3 October 1967

Mrs. Patricia Delio
7 Franklin Ave., M.D.#23
Newburgh, N.Y.

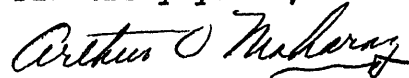
Dear Mrs. Delio:

I am inclosing registered receipts in connection with the application made by Ruth Clark for a variance, being 14 in all.

It developed that through error the notice of the hearing was not published and after a conversation with Mrs. Budney, I have sent a notice for publication to the Evening News for the meeting to be held on October 16th. In view of the fact that the hearing was properly held insofar as adjoining landowners are concerned, I see no reason for giving them another notice.

In talking with Mrs. Budney, I received the impression that after you had the hearing you transmitted a copy of the appeal to the Secretary of the Planning Board. It would seem that pursuant to Section 48-33-C, this should normally be done 10 days before the date of the hearing.

Sincerely yours,



ARTHUR O. MAHARAY

AOM/md
Incl

Oct. 2, 1967 - zoning Bd of Appeals
Ruth E. Clark public hearing:

Spectators:

Rev. Kurt Ottum Jr. - King of Kings Lutheran Ch.
Ethelienbroker King of Kings Luth Ch.

Killeen hearing postponed:

Rt.
Killeen
Hearing
11

Charles L. Foti 11 Dorset Dr.

Mrs. Bart Meola 4 Dorset Dr.

Mrs. J. Pius 2 Dorset Dr.

Mrs. K. Navara 1 Dorset Dr.

Prop. L. Longigle Saginaw Ave.

W. J. Cavaleri attorney for Mrs. Navara

Mrs. Leonard Steinfeld 9 Dorset Dr.

Mrs. Jerry D. Guffe 10 Dorset Dr.

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing on the 2nd day of October, 1967, at 7:30 o'clock in the afternoon, at New Windsor Town Hall, 244 Union Avenue, in said town, on an application of Ruth E. Clark for a variance affecting a lot opposite the proposed Town Hall site on Union Avenue in an RB District, so that the same may be used for a small professional building.

Dated, September 21, 1967.

ZONING BOARD OF APPEALS
Town of New Windsor

570 Union Avenue
Newburgh, N.Y.
July 19, 1967

Mr. Eugene Sloan, Chm.
New Windsor Planning Board

Dear Eugene,

I have had a request to purchase a lot that I own, located between my property at 562 Union Avenue and the property of Rose Raszewski at 540 Union Avenue. The lot would be used by the purchaser to erect a professional office by a lawyer. Its appearance would resemble a New England type building of an early era.

Since the north side of Union Ave. at this point is zoned residential, I ask that a variance be granted me to sell this lot for the use mentioned above.

Very truly yours,
Ruth C. Clark